



PATENT
Attorney Docket No. 202143

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Michael A. Arkes

Art Unit: 2164

Application No. 09/414,951

Examiner: Charles R. Kyle

Filed: 10/8/1999

For: An Incentive Points Redemption
Program Carried Out Via
an On-Line Auction

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DECLARATION UNDER 37 CFR §1.131 and §1.132

We, the undersigned, hereby declare the following:

1. We are the named inventor and a person having personal knowledge of the facts concerning conception and completion of the claimed inventive subject matter of the above-captioned patent application.
2. We are aware of the following reference, Copple et al. U.S. Patent 6,178,408 which has been cited by the U.S. Patent and Trademark Office as prior art in rejecting claims 14 and 15 of our application under 36 U.S.C. §103 in view of Barzilai et al.
3. Copple et al. has a filing date of July 14, 1999.
4. We declare that the actual reduction to practice of the presently claimed invention predates July 14, 1999.
5. We declare that it is our belief that the actual reduction to practice of the presently claimed invention occurred no later than during the month of June 1999, after loading the necessary software and auction database data onto computer system hardware and running a simulated points-based auction to verify its proper operation.

6. Exhibit A to this Declaration comprises true and accurate reproductions of screen shots generated for a points-based auction system that has an archive date of July 19, 1999. However, the functionality represented within these screen-shots existed on a system that was complete, in the sense of the claimed subject-matter of the currently pending application, in June of 1999. We are currently unable to find and run the earlier version of the program that was operable in June of 1999. However, all the screen shots, to the extent referred to in this declaration to establish an invention date pre-dating the filing date of the Cobble et al. patent, describe an embodiment of the invention, that was demonstrated to operate properly in June 1999.

7. Exhibit A includes a number of pages demonstrating/evidencing the various recited elements of claim 14 that is presently pending in this application. Annotations have been added to explain the submission.

8. Exhibit B includes a set of pages demonstrating/evidencing the recited element of an auction facility maintaining participant contact information.

9. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 7/22/02

Michael A. Arkes
Michael A. Arkes

Date: 7/19/02

Bradford Parkinson
Bradford Parkinson